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26. A leak detector as claimed in Claim 21, wherein the upper and lower frames are under the effect of a spring device whose force acts continuously in the direction of opening of said frames.

REMARKS

A Request for a Two (2) Month Extension of Time pursuant to 37 CFR 1.136(a) and (b) is attached hereto.

The above-captioned patent application has been carefully reviewed in light of the outstanding non-final Official Action to which this Amendment is responsive. Claims 1-20 have been canceled in favor of new Claims 21-26 in an effort to further clarify and patentably distinguish the present invention. The specification has also been amended to correct minor typographical errata. To that end, it is believed that no new matter has been added.

Claims 1-20 are pending. The Examiner has rejected certain claims based on prior art. More particularly, Claims 1-4, 14-17, and 19 have been rejected under 35 USC §102 based solely upon acknowledged prior art reference DE 19642099 and Claims 12 and 13 have been rejected based on the above reference in combination with Yokogi under 35 USC §103. No prior art rejections were made regarding Claims 5-11 or 18, and the Examiner has not provided any guidance as to whether he believes any or all of these claims are deemed allowable over the prior art of record. Therefore, Applicant maintains that this response cannot produce a final Office Action given that Claims 5-11 and 18 were not rejected on prior art grounds given that new Claim 21 is merely an incorporation of the subject matter of several original claims including Claims 5-11.

The Examiner has also rejected Claims 1-20 based on Section 112, first and second paragraphs, and has objected to several of the claims and the disclosure. Applicant respectfully requests reconsideration based on the following comments and the newly added claims.

Turning to the prior art rejections first and to the anticipation rejection based on the DE'2099 reference, Applicant respectfully traverses the rejection. In order to

anticipate under that Statute, each and every claimed limitation must be found in the single cited reference. Those limitations which are not found must be commonly known in the field to one of sufficient skill at the time of the invention.

Applicant is fully aware of the DE '2099 reference which is cited routinely in the present specification.

To that end, Applicant has now created new Claim 21 which together incorporates the subject matter of original Claims 1-11 and 19, though clarified, to provide adequate connectivity and a structural relationship between the claimed elements. No new matter has been added. Since the subject matter of Claims 5-11 were not part of this rejection, it is believed the prior art rejection is now moot and should be withdrawn. Claims 22-26 are believed allowable for the same reasons. Reconsideration is respectfully requested.

Likewise and for similar reasons, it is further believed the prior art rejection based on the combination of the DE reference and Yokogi et al is also moot and that the subject matter of Claims 12 and 13 were not added to the revised claim set. Withdrawal of this rejection is also respectfully requested.

Turning to the Section 112 rejections, the Examiner has rejected Claims 1-20 under 35 USC 112, first paragraph, as containing subject matter which was not described in the specification in such a way so as to enable one skilled in the art to make and/or use the invention. More particularly, the Examiner has objected to terminology relating to the leak detector and what is actually being detected.

Applicants have canceled Claims 1-20 in favor of new Claims 21- 26 in an effort to further clarify and distinguish the invention. The use of the prior art reference DE 19642099 was made in order to clarify a leak detector made in accordance with the prior art wherein the present invention provides certain structural differences in the frame portion thereof which clearly distinguishes over this particular reference as recognized by the Examiner, including the use of inner and outer subframes for each of the upper and lower frames through which each of the films are stretched and a synthetic or lighter frame structure that includes a steel profile to partly encompass the upper frame and at least partially encompass the

lower frame when the frames are closed. As to the leak detector itself, Applicant now notes the defined test chamber, 80, produced when the frames are closed which retains a test gas sample, 79, see Fig. 2. As noted, each of the above remaining features now specifically added to the claim were previously found in original Claims 2-11 and 19, now canceled. Therefore, no new matter has been added. As a result, it is now believed the Section 112 first paragraph rejection is adequately cured since new Claim 21 clearly provides sufficient structure for a leak detector. Reconsideration is therefore respectfully requested.

The Examiner has also rejected Claims 1-20 under 35 USC 112, second paragraph, for indefiniteness. To that end, new Claims 21- 26 have been written so as to avoid each of the antecedent bases and indefiniteness problems that have been noted by the Examiner. Withdrawal of the rejection is respectfully requested.

Similarly, and as to the objections to the Claims, it is believed that new Claims 21-26 obviate the objections noted by the Examiner.

Finally, the specification has been amended at pages 3 and 6, as noted by the Examiner, to remove extraneous typographical material. In addition, brackets have been removed on page 2, in relation to the "pumps" at lines 20 and 21 and the capillary "tube" at page 3, line 14. Withdrawal of these objections is respectfully requested.

In summary, it is believed the above-captioned patent application is now in an allowable condition and such allowance is earnestly solicited.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

If the Examiner believes that contact with Applicants' attorney would be advantageous toward the disposition of this case, he is herein requested to call Applicants' attorney at the phone number noted below.

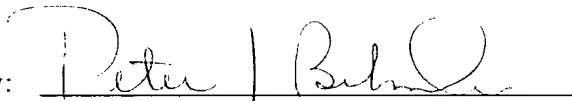
The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0289.

Respectfully submitted,

WALL MARJAMA & BILINSKI LLP

Dated: December 2, 2002

By:


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20874

PATENT TRADEMARK OFFICE



"VERSION WITH MARKINGS TO SHOW CHANGES MADE."

In the Specification:

Paragraph beginning at line 20 of page 2 has been amended as follows:

The forevacuum pump 13 is usefully a single-stage [{"pump"}], the forevacuum pump 30 is developed as a two-stage [{"pump"}]. Pump 30 is equipped with a gas ballast device. With valve 31 open, air (or also inert gas) streams into pump 30.

Paragraph beginning at line 7 of page 3 has been amended as follows:

For depositing the sniffing probe a holder 54 is provided. Such is either fastened on the film leak detector 1 or developed as a separate stand. It comprises a void 55 which, when the probe 51 is deposited, contains the sniffing tip. In addition is provided a sealing ring 56 which seals the void 55 against the handle 52 when the probe 51 is deposited. Succeeding void 55 is a line 57, which communicates across a coupling 58 with an underpressure switch 59 accommodated in the housing of the film leak detector 1. As sniffing line 47 serves in known manner a capillary [{"tube"}] (diameter approximately 0.5mm). This applies also to the line 57, in order for the underpressure generated by the sniffing tip 53 in chamber 55 to exert its effect rapidly on the underpressure switch 59.

Paragraph beginning at line 19 of page 3 has been amended as follows:

In the film leak detector according to Figure 1 the leak detector cycle proceeds automatically. To control the process flow, a control center is provided which is only depicted as a block 61. With it are connected all meters and all structural components to be controlled. This applies also to a switch which is actuated with the closing of the test chamber. In the embodiment example depicted this switch is a proximity switch, which comprises a metal pin 62 provided on frame 3 and a sensor 63 disposed on frame 4. The sensor 62 [{"sic: 63}] is connected with the control center 2 [{"sic: 62}]. Other switches, be they operated electrically, mechanically or optically, can be applied for this purpose.

Paragraph beginning at line 24 of page 6 has been amended as follows:

Of interest to the visitor [[sic: user?]] in the quantitative leak detection as a rule is the leakage rate of a detected leak, measured in mbar1/sec.

In the Claims:

Claims 1-20 have been canceled.

Claims 21-26 have been added.